

Shangri-La Homes, LLC,
Petitioner

* PLANNING BOARD OF
* HOWARD COUNTY, MARYLAND

ZB 1100M

* * * * *

MOTION: *To recommend approval of the Zoning Map Amendment petition request to rezone 1.89 acres from R-20 to R-SI, in accordance with the Department of Planning and Zoning recommendation.*

ACTION: *Recommended Approval; Vote 3 to 0.*

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RECOMMENDATION

On August 2, 2012, the Planning Board of Howard County, Maryland, considered the petition of Shangri-La Homes, LLC for a Zoning Map Amendment to rezone the subject property from the R-20 District to the R-SI District with a Documented Site Plan ("DSP"). Under the proposed rezoning, the Petitioner proposes to increase the number of beds within the existing facility from 45 beds to 60 beds and five parking spaces are proposed to be added to the site. The subject property is located on the northeast side of MD 103 (Montgomery Road) approximately 1,500 feet southeast of Long Gate Parkway in the Second Election District, and is described as Tax Map 31, Grid 1, Parcel 579, Lot 4; 4475 Montgomery Road (the "Property").

The petition and the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the petition met the evaluation criteria for a finding of Mistake and that R-SI is the appropriate zoning district for the Property.

The Petitioner was represented by Thomas Meachum, Esq. No one testified in opposition to the petition. Mr. Meachum explained that Zoning Regulations Amendment ZRA-30 which became effective on July 12, 2001 affected the Property by eliminating the use category that included the group care facility use for which the facility on the Property obtained approval and the Council mistakenly retained the Property's R-20 zoning in the 2004 Comprehensive Zoning Plan because the effect of this regulatory change was unknown to the Council. He said the R-SI District is the most appropriate district because the facility is an existing one which is supported by the purpose statement of the R-SI District and the use of the Property would not change since a Documented Site Plan has been submitted.

Mr. Meachum also stated that although five additional parking spaces are shown on the Documented Site Plan, a parking study was submitted with the petition which indicates that only 16 of the 25 existing spaces were utilized during the peak time of the study; therefore, he requested that the Petitioner not be required to provide the additional five spaces.

1 A Board member asked if the proposed increase in the number of nursing home beds would be
2 permitted by the bulk regulations for density in the R-SI District and there was some discussion as to
3 whether the density calculation applies to nursing homes beds¹.

4 Jacqueline Easley made a motion to discuss the petition in a work session. Bill Santos seconded the
5 motion.

6 **Discussion:**

7 One Board member concurred with the Petitioner that the Council would not have known that
8 rezoning was needed and a Mistake was made in not rezoning the site in the Comprehensive Zoning Plan.
9 This board member said that because this is a Documented Site Plan petition and the facility already exists
10 and there are no proposed additions, the site would not be used for unapproved uses and additionally there
11 appears to be no reason to construct five additional parking spaces.

12 A Board member expressed concern that an increase in the number of beds might necessitate more
13 parking spaces but said rezoning the Property does make sense.

14 Board members agreed there is a finding of Mistake and R-SI appears to be the correct zoning for
15 the site provided the requested number of beds (60) is permitted by the District's bulk regulations and the
16 Zoning Board is aware of the request to not construct the additional five parking spaces.

17 **Motion:**

18 Bill Santos made a motion to approve the petition in accordance with the recommendation of the
19 Technical Staff Report to rezone the Property to R-SI with a Documented Site Plan with the noted
20 provisions. Jacqueline Easley seconded the motion.

21 **Vote:**

22 The motion for approval of the petition in accordance with the recommendation of the DPZ
23 Technical Staff Report to rezone the Property to R-SI passed by a vote of 3 to 0.

24 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 6th day of
25 September, 2012, recommends that Zoning Board Case No. ZB 1100M, as described above, be **APPROVED**.

26 ¹ Density is defined (Section 103.A.33) as, "The number of principal dwelling units per unit of land area.
27 Accessory dwelling units such as farm tenant houses, caretaker dwellings and accessory apartments are not
28 included when calculating density". Nursing home beds are not considered principal dwelling units and by this
definition are not subject to density calculations.

In addition, Residential Care Facility is defined (Sect. 103.A.162) in part as, "...Residential care facilities
provide group housing in which capacity is measured in terms of the number of beds, rather than individual
dwelling units equipped with living, sleeping, and full kitchen facilities".

HOWARD COUNTY PLANNING BOARD



David Grabowski, Chairperson

ABSENT

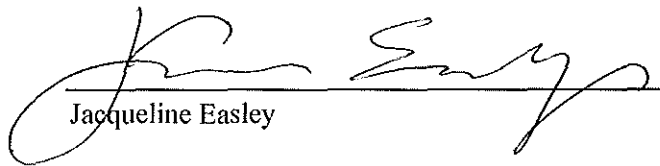
Paul Yelder, Vice Chairperson

ABSENT

Josh Tzucker

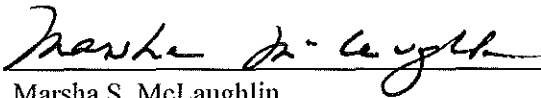


Bill Santos



Jacqueline Easley

ATTEST:



Marsha S. McLaughlin
Executive Secretary